

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

MAR 30 2006

LAWRENCE K. BAERMAN, CLERK  
ALBANY

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**RICHARD RIVENBURGH,**

**Plaintiff,**

**Civil No.: 1:03-CV-1168  
(GLS)**

**v.**

**CSX TRANSPORTATION,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

KLEEMAN, ABLOESER LAW FIRM  
The Sterling Conference Center #350  
1819 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103

SAMUEL ABLOESER, ESQ.

**FOR THE CITY DEFENDANT:**

HODGSON, RUSS LAW FIRM  
677 Broadway, Suite 301  
Albany, New York 12207

NOREEN D. GRIMMICK, ESQ.

**Gary L. Sharpe  
U.S. District Judge**

**ORDER**

This matter comes before the court following a jury trial, resulting in the entry of a money judgment for the plaintiff. At the close of trial, the

court allowed the parties additional time to file Rule 50 motions and to file post-trial submissions with the court. On March 29, 2006, the court erroneously entered judgment, as noted in the submission of defense counsel. See Undocketed Bailey Ltr., Mar. 29, 2006. Accordingly, the court vacates the previous judgment, pending receipt of the parties' post-trial submissions.

**WHEREFORE**, it is hereby

**ORDERED** that the previous judgment is vacated; and it is further

**ORDERED** that the Clerk of Court shall serve a copy of this Order on

all parties.

**IT IS SO ORDERED.**

Albany, New York  
March 30, 2006

Gary L. Sharpe  
Gary L. Sharpe  
U.S. District Judge